Calendar No. 356

102D CONGRESS
1st Session

SENATE

REPORT
102-232

AMENDING THE WILD AND SCENIC RIVERS ACT BY DESIGNATING CERTAIN SEGMENTS OF THE ALLEGHENY RIVER IN THE COMMONWEALTH OF PENNSYLVANIA AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

NOVEMBER 23 (legislative day, NOVEMBER 20), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 606]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 606) to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. DESIGNATION OF ALLEGHENY RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Allegheny River in the Commonwealth of Pennsylvania, and to assist in the protection, preservation, and enhancement of the fisheries resources associated with such river, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) Allegheny, Pennsylvania.—The segment from Kinzua Dam downstream approximately 7 miles to the United States Route 6 Bridge, and the segment from Buckaloons Recreation Area at Irvine, Pennsylvania, downstream approximately 47 miles to the southern end of Alcorn Island at Oil City, to be administered by the Secretary of Agriculture as a recreational river in accordance with section 10(e) of this Act; and the segment from the sewage treatment plant at Franklin downstream approximately 31 miles to the refinery at Emlenton, Pennsylvania, to be administered by the Secretary of Agriculture as a recreational river in accordance with section 10(e) of this Act.".

SEC. 2. ADVISORY COUNCILS FOR THE ALLEGHENY RIVER.

(a) ESTABLISHMENT.—The Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall establish within 120 days after the date of enactment of this Act two Advisory Councils to advise the Secretary on the establishment of final

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boundaries and the management of the river segments designated by section 1 of this Act (hereinafter referred to as the "Allegheny National Wild and Scenic River"), as follows:

(1) The Northern Advisory Council, to provide advice for the management of the segments of the Allegheny National Wild and Scenic River between Kinzua Dam and Alcorn Island.

(2) The Southern Advisory Council, to provide advice for the management of the segment of the Allegheny National Wild and Scenic River between Franklin and Emlenton.

(b) NORTHERN ADVISORY COUNCIL.—(1) The Northern Advisory Council shall be composed of 9 members appointed by the Secretary as follows:

(A) the Forest Supervisor of the Allegheny National Forest, or his or her designee, who shall serve as Chairman and who shall be a nonvoting member;

(B) the Secretary of the Department of Environmental Resources of the Commonwealth of Pennsylvania, or ~~his or her~~ designee;

(C) two members each from Warren, Forest, and Venango Counties, from recommendations submitted by the County Commissioners of such counties, of which no fewer than two such members shall be riparian property owners along the Allegheny National Wild and Scenic River between Kinzua Dam and Alcorn Island; and

(D) one member from a nonprofit conservation organization concerned with the protection of natural resources from recommendations submitted by the Governor of the Commonwealth of Pennsylvania.

(2) Members appointed under subparagraphs (C) and (D) of paragraph (1) shall be appointed for terms of 3 years. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(3) Members of the Northern Advisory Council shall serve without compensation and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out his or her responsibilities under this Act.

(4) The Northern Advisory Council shall cease to exist 10 years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

(c) SOUTHERN ADVISORY COUNCIL.—(1) The Southern Advisory Council shall be composed of 7 members appointed by the Secretary as follows:

(A) the Forest Supervisor of the Allegheny National Forest, or his or her designee, who shall serve as a nonvoting member;

(B) the Secretary of the Department of Environmental Resources of the Commonwealth of Pennsylvania, or his or her designee, who shall serve as Chairman;

(C) four members from recommendations submitted by the County Commissioners of Venango County, of whom at least one shall be a riparian property owner along the Allegheny National Wild and Scenic River between Franklin and Emlenton; and

(D) one member from a nonprofit conservation organization concerned with the protection of natural resources, from recommendations submitted by the Governor of the Commonwealth of Pennsylvania.

(2) Members appointed under subparagraphs (C) and (D) of paragraph (1) shall be appointed for terms of 3 years. A vacancy of the country representatives on the Council shall be filled in the manner in which the original appointment was made.

(3) Members of the Southern Advisory Council shall serve without compensation and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out his or her responsibilities under this Act.

(4) The Southern Advisory Council shall cease to exist 10 years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

SEC. 3. ADMINISTRATION OF ALLEGHENY NATIONAL WILD AND SCENIC RIVER.

(a) BOUNDARIES.—After consultation with the Commonwealth of Pennsylvania, the Northern and Southern Advisory Councils, local governments, and the public, and within 18 months after the date of enactment of this Act, the Secretary shall take such action with respect to the segments of the Allegheny River designated under section 1 of this Act as is required under sectioin 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)).

(b) INTERIM MEASURES. As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidelines specifying standards for local zoning ordinances, pursuant to section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with the objective of protecting the outstandingly remarkable values of the Allegheny Wild and Scenic River, as defined by the Secretary.

(c) ADMINISTRATION OF CERTAIN SEGMENTS.—(1) Lands and interests therein acquired by the Secretary for the purpose of managing the Allegheny National Wild and Scenic River segments located between Kinzua Dam and Alcorn Island shall be added to and become part of the Allegheny National Forest.

(2) Lands and interests therein acquired by the Secretary for the purpose of managing the Allegheny National Wild and Scenic River segment located between Franklin and Emlenton may be managed under a cooperative agreement with the Commonwealth of Pennsylvania.

(d) LIMITATION ON LAND ACQUISITION AUTHORITY.—For the purposes of section 6(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(b)), the segments of the Allegheny River designated as components of the Wild and Scenic Rivers System by section 1 of this Act shall be deemed to be more than 50 per centum in public ownership.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 606, as ordered reported, is to designate approximately 85 miles of the Allegheny River in Pennsylvania as a component of the Wild and Scenic Rivers System.

BACKGROUND AND NEED

The Allegheny River is located in northwestern Pennsylvania. Its headwaters begin in Potter County, from there it flows to the city of Pittsburgh, where it converges with the Monongahela to form the Ohio River. In its upper reaches, the Allegheny flows in a relatively straight course, with numerous river islands dotting the waterway.

In the lower segments, the river takes a winding, twisting route through a narrow valley with steep slopes. Much of the shoreline consists of steep hardwood forested hillsides, interspersed with flat stretches. Almost 400 different species of animals have been identified as existing within the river corridor. Because of the river's use as a transportation corridor, human habitation and activity within the corridor have been estimated to date back over 12,000 years.

The Allegheny River was authorized for study pursuant to section 5 of the Wild and Scenic Rivers Act by Public Law 95-625, enacted in 1978. The Forest Service initiated the river study in 1980, and a draft Final EIS/Study Report was completed in January, 1990. The report identifies the river's scenic and cultural values, and the river islands as being outstandingly remarkable, and recommended designation of 85 miles of eligible river segments.

LEGISLATIVE HISTORY

S. 606 was introduce by the late Senator John Heinz on March 7, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on November 7, 1991. The House passed similar legislation, H.R. 1323, on June 3, 1991.

At the business meeting on November 20, 1991, the Committee on Energy and Natural Resources ordered S. 606, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Committee on Energy and Natural Resources, in open business session on November 20, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 606, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Akaka [1]	
Mr. Fowler [1]	
Mr. Shelby [1]	
Mr. Wellstone	
Mr. Wallop	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour	
Mr. Garn	

[1] Indicates voted by proxy.

Committee Amendments

During the consideration of S. 606, the Committee adopted an amendment in the nature of a substitute. The amendment makes a number of technical, clarifying and conforming corrections. The amendment is described in detail in the section-by-section analysis, below.

Section-by-Section Analysis

Section 1 amends subsection 3(a) of the Wild and Scenic Rivers Act to designate three segments of the Allegheny River in Pennsylvania as components of the Wild and Scenic Rivers System. The combined length of the three segments is approximately 85 miles. All three segments are designated as "recreational," to be administered by the Secretary of Agriculture (the "Secretary") through a cooperative agreement with the State of Pennsylvania and affected counties.

Section 2 directs the Secretary to establish within 120 days two advisory councils to provide advice on the establishment of final boundaries and the management of the river segments designated by section 1 of this Act. The Northern Advisory Council is to provide advice for the management of the segments of the river be-

tween Kinzua Dam and Alcorn Island; the Southern Advisory Council is to provide advice for the management of the segment of the Allegheny between Franklin and Emlenton.

Subsections (b) and (c) set forth the membership criteria for the Northern and Southern Advisory Councils, respectively.

Section 3 pertains to the administration of the segments of the Allegheny designated as components of the Wild and Scenic Rivers System. Subsection (a) directs the Secretary, after consulting with the State of Pennsylvania, advisory councils, local governments, and the public, to establish detailed boundaries for the river segments within 18 months after the date of enactment of this Act.

Subsection (b) directs the Secretary to issue interim guidelines specifying standards for local zoning ordinances in accordance with subsection 6(c) of the Wild and Scenic Rivers Act. Such interim guidelines are to have the objective of protecting the outstandingly remarkable values of the river, as defined by the Secretary.

Subsection (c) provides that land and interests acquired by the Secretary between Kinzua Dam and Alcorn Island shall become part of the Allegheny National Forest, and that land and interests located between Franklin and Emlenton which are acquired by the Secretary may be managed under a cooperative agreement with the Commonwealth of Pennsylvania.

Subsection (d) provides that for land acquisition purposes of subsection 6(b) of the Wild and Scenic Rivers Act, the segments of the Allegheny River designated by section 1 of this Act shall be deemed to be more than 50 percent in public ownership.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out this Act.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, November 21, 1991.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 606, a bill to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes. The bill was ordered reported by the Senate Committee on Energy and Natural Resources on November 20, 1991. Enactment of S. 606 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this bill.

S. 606 would add 85 miles of the Allegheny River to the Wild and Scenic Rivers System. Based on information from the Forest Service and assuming appropriation of the necessary funds, CBO estimates that enactment of this bill would result in additional costs to the federal government totaling $550,000 over a five-year period be-

ginning in 1992. These costs would be incurred to carry out a variety of activities, including planning, facility development, and ongoing management. Subsequent annual operation and maintenance costs are expected to total about $50,000.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 606. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 606, as ordered reported.

EXECUTIVE COMMUNICATIONS

On October 29, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior, the Federal Energy Regulatory Commission and the Office of Management and Budget setting forth Executive agency recommendations on S. 606. On October 30, 1991, the Committee requested legislative views from the Department of Agriculture. The views of the Federal Energy Regulatory Commission are set forth below. The report from the Department of Agriculture had not been received at the time the report on S. 606 was filed. When it becomes available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

FEDERAL ENERGY REGULATORY COMMISSION,
Washington, DC, November 19, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: Thank you for your letter of October 29, 1991, requesting comments on S. 606, a bill to designate certain segments of the Allegheny River in the Commonwealth of Pennsylvania as components of the National Wild and Scenic Rivers System. Enclosed is a Commission staff report on the bill, which I hope will be useful in your consideration of S. 606.

I appreciate your inquiry. If I can be of further assistance to you in this or any other FERC matter, please let me know.

Yours truly,

MARTIN L. ALLDAY,
Chairman.

Enclosure.

REPORT ON S. 606, 102D CONG., 1ST SESS., A BILL TO DESIGNATE CERTAIN SEGMENTS OF THE ALLEGHENY RIVER IN THE COMMONWEALTH OF PENNSYLVANIA AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

On March 7, 1991, Senator Heinz introduced S. 606. Section 1 of the bill would amend Section 3(a) of the Wild and Scenic Rivers Act (Rivers Act), 16 U.S.C. § 1274(a), to add three segments of the Allegheny River in the Commonwealth of Pennsylvania to the list of component rivers of the Wild and Senic Rivers System (System).

EFFECT OF S. 606, IF ENACTED, ON APPLICATIONS FILED WITH THE COMMISSION PROPOSING HYDROPOWER DEVELOPMENT AND ON PRELIMINARY PERMITS, LICENSES, AND EXEMPTIONS THAT HAVE BEEN ISSUED BY THE COMMISSION

Pursuant to Sections 7(a) and (b) of the Rivers Act, 16 U.S.C. § 1278(a) and (b), the Commission is prohibited from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works that would be on or directly affecting a river designated in Section 3(a) of the Rivers Act as part of the Rivers System (Component River), or a river designated by Section 5(a) of the Rivers Act for study for potential addition to the System (Study River), respectively. Sections 7(a) and (b), through a limitation on the first prohibition, also prohibit the Commission from licensing project works above or below a Component River or Study River or on a stream tributary thereto if the project works would invade or diminish the scenic, recreational, and fish and wildlife values present in the Component River or Study River.

The Commission has interpreted the prohibitions on licensing of Sections 7(a) and (b) as applying to issuance of exemptions. *See, e.g., Swanson Mining Corp.*, 22 FERC ¶ 61,184 (1983), *reh'g denied*, 30 FERC ¶ 61,109 (1985), *aff'd*, 790 F.2d 96 (D.C. Cir. 1986). The Commission has determined that it is the responsibility of the administering Secretary to make determinations regarding the consistency of a proposed project with the provisions of the Rivers Act. *See China Flat Company*, 27 FERC ¶ 61,024 (1984). Since Sections 7(a) and (b) prohibit only the authorization of construction, the Commission has held that it can issue preliminary permits authorizing the study (but not the construction) of projects to be located on or directly affecting Component Rivers and Study Rivers, but the Commission advises permittees that they must reconfigure the project to eliminate any conflict with Component Rivers.

See Modesto Irrigation District, 17 FERC ¶ 61,144 (1981); *City of Delta*, 4 FERC ¶ 61,102 (1978).

A review of the Commission's records shows that on March 15, 1991, a preliminary permit was issued in Project No. 11048 to Tionesta Hydro Associates to study the feasibility of a hydroelectric project on Tionesta Creek, a tributary to the Allegheny River in the segment between Irvine, Pennsylvania, and Oil City, Pennsylvania. There are no other outstanding preliminary permits, and no outstanding licenses, exemptions, or preliminary permits, and no pending applications for preliminary permit, license, or exemption that would be directly or indirectly affected by S. 606.

STATEMENT OF LARRY HENSON, ASSOCIATE DEPUTY CHIEF FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to present the views of the Department of Agriculture regarding S. 606, "To amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System," and S. 1770, "To convey certain surplus real property located in the Black Hills National Forest to the Black Hills Workshop and Training Center."

I would like to briefly address each bill and then I would be glad to answer your questions.

S. 606, "TO DESIGNATE THE ALLEGHENY WILD AND SCENIC RIVER"

S. 606 would designate 85 miles of the Allegheny River as a component of the National Wild and Scenic Rivers System. Only 33 miles flow through or are adjacent to the Allegheny National Forest. The remaining 52 miles are downstream from the Forest boundary, and flow through private and State lands.

The Allegheny River study was authorized in 1978, and the Allegheny National Forest initiated a study in late 1980. The study found that the river has outstandingly remarkable scenic values, river islands, and cultural resources. Of the 128 miles studied, 85 miles were determined to be eligible for designation. The Forest Service study has been completed, however, it has not been forwarded to the Secretary for his review and recommendation to the President.

Mr. Chairman, we cannot support S. 606 unless amended to relieve the Secretary of Agriculture from responsibility for administration of the segment of the Allegheny downstream from the Forest boundary. We believe the downstream segment could be more effectively managed by the State of Pennsylvania. If the downstream segment were to be administrated by the Forest Service, the only method available for enforcement of the management plan would

be land acquisition. We believe that local responsibility and management through development and enforcement of land use regulations to support the management plan would be more appropriate.

For the downstream segment, we recommend Federal designation in accordance with section 2(a)(ii) of the Wild and Scenic Rivers Act. Under this process, the river segment would receive the protections provided by the Wild and Scenic Rivers Act, but would be administered by an agency or political subdivision of the State. To initiate this process, the segment must first be designated as a component of the Pennsylvania State rivers program and be administered by the appropriate State agency. Anytime after State designation, the Governor may then petition the Secretary of the Interior, who, after determining that the segment meets the criteria of the Wild and Scenic Rivers Act, would incorporate the segment into the Federal system.

In this case, because the Forest Service has studied the segment outside the Forest, and determined that it is eligible and suitable for protection under the Act, we would support abbreviating the statutory process I just described. Our Supplemental Statement provides language negating the need for the Governor to apply to the Secretary of the Interior. Instead, our language would provide that the segment would be immediately designated upon inclusion in the Pennsylvania Scenic Rivers Program and upon determination by the Secretary of the Interior, in consultation with the Secretary of Agriculture that the State's managment plan would be protective of the river's outstandingly remarkable values. We believe such a process could significantly expedite designation, as compared to the normal process used for section 2(a)(ii) designations.

We have three other concerns with S. 606.

First, section 1 provides that the river segments would be administered through a cooperative agreement with the Commonwealth of Pennsylvania and certain counties. This provision is unclear in regard to how the river would be administered if the Commonwealth or the counties and the Secretary could not agree on the terms of a cooperative agreement.

Our second area of concern involves the interim measures. Section 3(b) of S. 606 would require the Secretary to prepare land and water use control measures. We believe that section 6(c) of the Wild and Scenic Rivers Act authorizes the Secretary to issue guidelines specifying standards for local zoning ordinances that would protect the river's outstandingly remarkable values without intruding on State and local governmental prerogatives. Our recommended amendment for section 3(b) is provided in a Supplemental Statement.

Lastly, we note that several references are made to the "Allegheny National Recreation River." This reference should be changed to the "Allegheny Wild and Scenic River," wherever it appears in S. 606. If designated, the

Allegheny would be a wild and scenic river, and the classification would be recreational.

In summary, Mr. Chairman, we support the concept of designating the Allegheny River. However, we do not believe the Secretary of Agriculture should have a major role in administration of the river corridor outside the National Forest boundary.

S. 1770, "TO CONVEY SURPLUS LANDS OF THE BLACK HILLS NATIONAL FOREST"

The Department of Agriculture would not object to enactment of S. 1770, if amended as we recommended, but we defer to GSA concerning disposal of surplus property under the Federal Property and Adminsitrative Services Act of 1949.

S. 1770 would direct the Secretary of Agriculture to convey to the Black Hills Workshop and Training Center, Inc., of Rapid City, South Dakota, certain surplus real property located in the Black Hills National Forest.

The lands described in S. 1770 (less than 3 acres) comprise a portion of the Pactola Ranger Station site. These lands were reported as excess by the Forest Service to the Secretary of Agriculture on August 5, 1991. Federal Property Management Regulations (FPMR's) call for review and acceptance of such a report by the General Services Administration (GSA). Therefore, the excess property report has been submitted by the Department to GSA. Additional information requested by GSA has also been submitted, but the report has not yet been finally accepted by GSA.

If upon final review, GSA accepts the report, the next step will be a determination by GSA as to whether the lands are needed for any other Federal purpose. Assuming the lands are not needed by another Federal agency, GSA would then declare the property to be surplus and available for disposal. Disposition of surplus lands can be handled in a variety of ways including transfer to local governments, negotiated sale, or sale by auction.

The Forest Service has notified GSA of the interest in acquiring all or part of the excess property by the Black Hills Workshop and the South Dakota National Guard. Both entities have property contiguous to the land which we have declared excess. We understand that they are interested in acquiring different portions of the excess property, so their needs are not in conflict. Therefore, we have no objection to the conveyance described in S. 1770, provided that GSA declares the property to be surplus. We understand that GSA has been notified by the Department of the Interior that the Bureau of Indian Affairs has an interest in the property. If enacted, we recommend that S. 1770 be amended to convey the land at the appraised value, rather than at a price "to be mutually agreed on" as currently specified in the bill.

This concludes my testimony. I request that the supplemental statement attached to my written statement be included in the hearing record. I would be pleased to answer any questions you may have.

USDA Supplemental Statement

Recommended language for designation of those segments of the river downstream from the southern most Allegheny National Forest boundary near Tionesta:

FEDERAL PROTECTION FOR STATE DESIGNATED RIVERS

"(a) Upon fulfillment of the requirements of subsection (b) of this section, the Allegheny River from the National Forest boundary near Tionesta to Acorn Island, and from Franklin to Emlenton, a total of 52 miles, shall immediately become components of the National Wild and Scenic Rivers System.

"(b) Based on designation by the State Legislature of the State of Pennsylvania of the Allegheny River segments described in subsection (a) of this section as a component of the Pennsylvania Scenic Rivers Program (Pennsylvania Scenic Rivers Act of 1972), these river segments shall be included in the National Wild and Scenic Rivers System upon notification to the Secretary of the Interior by the Governor of the State of Pennsylvania of the State's intention that such river segments be included in the National Wild and Scenic Rivers System and upon the determination by the Secretary of the Interior, in consultation with the Secretary of Agriculture, that the State's management plan is protective of the river's outstandingly remarkable values: *Provided*, That such river segments shall be permanently administered as components of the National Wild and Scenic Rivers System pursuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act by an agency or political subdivision of the State of Pennsylvania."

Delete section 3(b) in its entirety and substitute the following:

"(b) GUIDELINES FOR ZONING.—As soon as practicable after enactment of this Act, the Secretary may issue guidelines specifying standards for local zoning ordinances pursuant to section 6(c) of the Wild and Scenic Rivers Act. Such guidelines shall have the objective of protecting the outstandingly remarkable values, as defined by the Secretary, of the Allegheny Wild and Scenic River and, once issued, shall have the force and effect as provided in section 6(c) of the Wild and Scenic Rivers Act."

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 606, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

AN ACT To provide a National Wild-and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * * * *

( ) ALLEGHENY, PENNSYLVANIA.—The segment from Kinzua Dam downstream approximately 7 miles to the United States Route 6 Bridge, and the segment from Buckaloons Recreation Area at Irvine, Pennsylvania, downstream approximately 47 miles to the southern end of Alcorn Island at Oil City, to be administered by the Secretary of Agriculture as a recreational river in accordance with section 10(e) of this Act; and the segment from the sewage treatment plant at Franklin downstream approximately 31 miles to the refinery at Emlenton, Pennsylvania, to be administered by the Secretary of Agriculture as a recreational river in accordance with section 10(e) of this Act.

* * * * * * *

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